



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Addendum to Improvement Agreement for Century Meadows Three, Unit No. 5, Tract No. 2976; and, Rescind the Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities, Approved by the City Council on October 17, 2001; and Appropriate Funds for the Project

MEETING DATE: January 2, 2002

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council take the following action with regard to the Century Meadows Three, Unit No. 5 subdivision:

1. Approve the Addendum to the Improvement Agreement for the Public Improvements of Century Meadows Three, Unit No. 5, Tract No. 2976, and direct the City Manager and City Clerk to execute the Addendum on behalf of the City.
2. Rescind the Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities, approved by the City Council on October 17, 2001.
3. Appropriate funds for required reimbursements.

BACKGROUND INFORMATION: The Century Meadows Three, Unit No. 5 subdivision is located east of Mills Avenue, north of Harney Lane and south of the Century Meadows Three, Unit No. 3 development, as shown on Exhibit A1. The final map and Improvement Agreement for the project was approved by the City Council on November 21, 2001.

Wastewater Facilities

The subdivision improvements include the extension of Mills Avenue to Harney Lane and the installation of wastewater facilities in Mills Avenue for the future wastewater lift station south of the Mills Avenue/Harney Lane intersection.

Under the terms of an agreement with the City, dated November 19, 1992, a portion of the costs associated with the lift station is the responsibility of a group of property owners south of Harney Lane (hereafter referred to as the Fink Group) who petitioned the City to allow their properties to be included in the Harney Lane Lift Station service area. As on past projects, it is expected that the developer or engineer will be responsible for facilitating and collecting the costs assigned to the Fink Group under the terms of the above-mentioned agreement. However, since the Century Meadows Three, Unit No. 5 development can be served by extending the existing gravity-flow wastewater system in Mills Avenue, the developer, Harney Development, LLC, has requested that the City also participate in the funding of the Harney Lane Lift Station facilities. Staff has reviewed this request and concurs that the project is bearing costs outside the responsibility of the subdivision.

APPROVED: _____


H. Dixon Flynn -- City Manager

Approve Addendum to Improvement Agreement for Century Meadows Three, Unit No. 5, Tract No. 2976; and, Rescind the Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities, Approved by the City Council on October 17, 2001; and Appropriate Funds for the Project
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Baumbach & Piazza, the developer's engineer, has submitted an itemized list of the improvements and costs associated with the lift station as well as the contract bid prices for the work. The improvements include the force mains in Mills Avenue, trunk lines in Harney Lane, and associated pavement improvements and water and storm drain services to the future lift station site. Staff has prepared a spreadsheet identifying the work items and costs that are the responsibility of the Fink Group and recommends that Council authorize reimbursement to the developer by the City for the balance of the improvements associated with the lift station (\$121,000.00). The City-funded portion of the work includes 10% of the cost of the reimbursable improvements for engineering and contract administration. The cost of this work can be recovered by the City from future development through lift station service area fees to be established when the lift station construction is complete. We anticipate that construction of the lift station will commence in 2002.

Master Storm Drain Facilities

Installation of master storm drainage facilities, in accordance with the City master plan, is required to provide storm drainage for the Century Meadows Three, Unit No. 5 project (Exhibit A2). The master storm drainage facilities to be constructed include, but are not limited to, the following:

1. Storm drain trunk line in Mills Avenue and through the future street alignments in the adjacent parcel to the west to G-Basin.
2. Outlet works in G-Basin for the required storm drain trunk line.
3. Excavation from the outlet works to the existing excavated portion of G-Basin.

The installation of master storm drainage improvements required for the Century Meadows Three development is currently covered by an agreement entitled "Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities", executed by Chris R. Keszler and approved by the City Council on October 17, 2001. This work is eligible for reimbursement by the City in conformance with LMC §16.40, Reimbursements for Construction, and funds have been appropriated (\$313,406.39) for the reimbursement based on the contract price for the work. However, due to unexpected difficulties in obtaining the required easements to allow installation of the storm drainage improvements, the Century Meadows One project has been unable to proceed to construction. In addition, the Improvement Agreement has not been executed by the City because the insurance certificate and improvement security instruments have not been received.

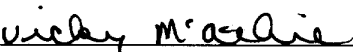
Since the Century Meadows Three project is ready to proceed to construction and the master storm drain trunk line improvements need to be installed prior to installation of the other underground utilities in Mills Avenue, the lack of forward progress on the Century Meadows One project is delaying the construction of the Century Meadows Three development. Staff has had several conversations with the developers of both projects in an attempt to resolve the current stalemate. The developer of the Century Meadows One project is working diligently to resolve the issues delaying the start of their project, but cannot guarantee that a resolution will be forthcoming anytime soon. The developers of the Century Meadows Three development have requested they be allowed to install the master storm drain facilities required for their project in order to avoid further delay. They have negotiated with the contractor retained for the Century Meadows One project to do this work at the same construction costs approved for the Century Meadows One project. Given the uncertainty of the start of construction for the Century Meadows One project, staff recommends, with the concurrence of both developers, that City Council take the following actions to allow the Century Meadows Three project to proceed:

Approve Addendum to Improvement Agreement for Century Meadows Three, Unit No. 5, Tract No. 2976; and, Rescind the Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities, Approved by the City Council on October 17, 2001; and Appropriate Funds for the Project
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1. Rescind approval of the Improvement Agreement for the Century Meadows One project. To reiterate, this agreement has not been executed by the City due to lack of required documentation. When the Century Meadows One project has acquired the necessary easements to allow construction of the storm drain improvements required for its project, a new agreement will be provided for Council approval to cover that work.
2. Approve an addendum to the Century Meadows Three, Unit No. 5 Improvement Agreement to allow the developer of that project to install the master storm drainage improvements necessary for that project; and authorize reimbursement for that work (\$245,000.00) in conformance with LMC §16.40, Reimbursements for Construction.

FUNDING: Wastewater Capital Fund (171) \$121,000.00
IMF Storm Drainage Facilities \$245,000.00 (portion of previous appropriation approved 10/17/01)

Funding Available:


Vicky McAthie, Finance Director


for Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW/lm

Attachments

cc: Senior Civil Engineer Fujitani
Senior Civil Engineer Welch
Harney Development, LLC
Chris R. Keszler
Baumbach & Piazza

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
SUSAN HITCHCOCK
Mayor Pro Tempore
EMILY HOWARD
KEITH LAND
ALAN S. NAKANISHI

CITY OF LODI
PUBLIC WORKS DEPARTMENT

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H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

December 26, 2001

Harney Development, LLC
P. O. Box 1597
Lodi, CA 95241

Dr. Chris R. Keszler
816 W. Lodi Ave.
Lodi, CA 95240

Baumbach & Piazza
323 W. Elm St.
Lodi, CA 95240

SUBJECT: Approve Addendum to Improvement Agreement for Century Meadows Three, Unit No. 5, Tract No. 2976; and, Rescind the Improvement Agreement for the Public Improvements of Century Meadows One, Unit No. 2, Tract No. 2786, Master Storm Drainage Facilities, Approved by the City Council on October 17, 2001; and Appropriate Funds for the Project

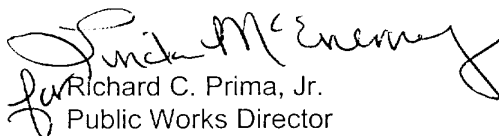
Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 2, 2002. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Sharon Welch at 333-6800, ext. 2659.


Richard C. Prima, Jr.
Public Works Director

RCP/lm

Enclosure

cc: City Clerk

NCIMPAGREEADD&RESCINDCM1UNIT2IMPAGREE